

Message Text

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TO AMEMBASSY BANGKOK IMMEDIATE

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E.O. 11652: N/A

TAGS: CPRS, PFOR, SNAR, TH

SUBJECT: EXTRADITION -- TONY MA, ET AL.

1. U.S. ATTORNEY AND JUSTICE DEPARTMENT HAVE EXPRESSED INCREASING CONCERN OVER LACK OF ACTION BY GOT AUTHORITIES IN ABOVE-MENTIONED CASE. AS EMBASSY WELL AWARE, CASE IS VERY IMPORTANT AND REQUIRES SPECIAL ATTENTION. AS EMBASSY ALSO AWARE, CASE IS COMPLICATED BY FACT THAT NARCOTICS NOT COVERED BY EXTRADITION CONVENTION AND THAT SUBJECTS ARE THAI NATIONALS. NEVERTHELESS, SUITABLE SOLUTION APPEARS

POSSIBLE THROUGH APPLICATION OF LOCAL LAW AS EXPLAINED IN PREVIOUS STATE CABLES. DEPARTMENT WOULD APPRECIATE STATUS REPORT ASAP, INCLUDING BUT NOT LIMITED, TO ANSWERS TO FOLLOWING QUESTIONS. ALSO, EMBASSY REQUESTED TO TAKE ANY APPROPRIATE ACTION TO EXPEDITE GOT DECISION.

2. EMBASSY STATEMENT IN PRIOR CABLE THAT DECISION NOW
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BEFORE THE COURTS DOES NOT CLARIFY STATUS. DEPARTMENT DOES

NOT UNDERSTAND WHAT ACTION IS ACTUALLY BEING TAKEN BY GOT COURTS, OR WHAT STATUS OF THAT ACTION IS. DEPARTMENT ASSUMES THAT QUESTION BEFORE COURTS IS WHETHER OR NOT TO ARREST SUBJECTS, BUT THIS QUESTION ALONE HAS TREMENDOUS RAMIFICATIONS. IS COURT DECIDING TO ARREST THEM FOR

EXTRADITION OR LOCAL PROSECUTION? IF FOR EXTRADITION, IS IT TO BE BASED ON LOCAL LAW OR TREATY (EVEN THOUGH TREATY DOES NOT COVER NARCOTICS OFFENSES)? IF FOR PROSECUTION, WHO REPRESENTS USG INTERESTS? WHO PRESENTED DOCUMENTATION IN ANY CASE?

3. IN THE THAI LEGAL SYSTEM, WHAT IS THE JUDICIARY'S ROLE? IS THE INVESTIGATION INQUISITORIAL IN THE CIVIL LAW SENSE OR REPRESENTATIONAL AS IN COMMON LAW COUNTRIES? IF IT IS THE LATTER, WHO REPRESENTS THE OPPOSING INTERESTS BEFORE THE COURT? IF IT IS THE FORMER, WHO PRESENTS THE EVIDENCE? WHO PRESENTS THE OPPOSING VIEWPOINTS? DOES THE EXECUTIVE BRANCH HAVE ANY ROLE TO PLAY IN THIS SCENARIO? DOES THE COURT RECEIVE ANY INPUT FROM ANY SOURCE? DOES THE COURT SEEK ITS OWN EVIDENCE? DOES THE COURT COMMUNICATE WITH THE EMBASSY? IF THE COURT WANTS ADDITIONAL EVIDENCE, WHOM DOES IT ASK? SHOULD THE USG HIRE AN ATTORNEY TO BE CERTAIN ITS INTERESTS ARE BEING PROTECTED, OR DOES GOT REPRESENT USG INTERESTS? IS THERE ANY OTHER METHOD BY WHICH THE USG CAN ENSURE THE PROTECTION OF ITS INTERESTS?

4. DOES GOT (EITHER THE EXECUTIVE OR JUDICIARY OR BOTH) CONSIDER SELVES TO BE COOPERATING WITH USG IN MATTER. GREAT AMOUNT OF EVIDENCE HAS BEEN PRESENTED TO COURT. EVIDENCE APPEARS VERY CLEAR ON POINT THAT SUBJECTS NOT ONLY VIOLATED US LAW, BUT ALSO VIOLATED GOT LAW. IF ONLY QUESTION BEFORE COURT IS ARREST OF SUBJECTS, DELAY IS MOST PUZZLING. DELAY INDICATES, AT ANY RATE, THAT SOME MEANS SHOULD BE SOUGHT, NOT TO CIRCUMVENT OR CRITICIZE LOCAL PROCEDURE, BUT TO ENSURE THAT LOCAL PROCEDURE IS BEING BROUGHT TO BEAR ON THIS IMPORTANT PROBLEM. WHETHER GOT DECIDES TO EXTRADITE OR TO PROSECUTE LOCALLY, USG STANDS READY TO COOPERATE IN ANY WAY POSSIBLE.

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5. PLEASE ADVISE ASAP. DEPARTMENT UNDERSTANDS NECESSITY FOR CAUTION AND THE NEED NOT TO OFFEND GOT. DEPARTMENT ALSO UNDERSTANDS JUDICIARY'S PREDILECTIONS TO INDEPENDENCE, BUT CASE IS OF SUCH IMPORT THAT SOME MEANS OF EXPEDITING DECISION NEEDS TO BE FOUND. KISSINGER

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